

Message Text

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C O N F I D E N T I A L STATE 242267

C O R R E C T E D C O P Y (LAST 7 LINES OF PARA 6 OMITTED)

.O. 11652: GDS

TAGS: SHUM, MASS, CG

SUBJECT: CONGRESSIONAL REQUEST FOR HUMAN RIGHTS
INFORMATION

REF: STATE 231122

1. SENATOR HUMPHREY AS CHAIRMAN OF THE FOREIGN ASSISTANCE
SUBCOMMITTEE HAS ASKED THE DEPARTMENT TO PROVIDE THE
SUBCOMMITTEE STAFF BASIC HUMAN RIGHTS DATA AND INFORMATION
ON 17 COUNTRIES, INCLUDING ZAIRE, ON A CONFIDENTIAL BASIS
FOR THE STAFF'S USE IN PREPARING LEGISLATION. IN RESPONSE
TO THIS REQUEST, THE SECRETARY HAS AUTHORIZED US TO
PROVIDE THE SUBCOMMITTEE WITH THIS BASIC DATA AND
INFORMATION USING AS A BASIS THEREFORE UPDATED DRAFTS
OF HUMAN RIGHTS OBSERVANCE REPORTS ON THE 17 COUNTRIES
WHICH THE DEPARTMENT HAS BEEN PREPARING FOR POSSIBLE
SUBMISSION EARLY NEXT YEAR IN ACCORDANCE WITH SECTION
502B(B) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS
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AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE AND

ARMS EXPORT CONTROL ACT OF 1976. (THE TEXT AND A DISCUSSION OF THE RELEVANT LEGISLATIVE PROVISIONS WERE TRANSMITTED BY REFTEL.) ALL INFORMATION WILL BE PROVIDED ON A CLASSIFIED BASIS, AS SENATOR HUMPHREY REQUESTED AND THE SECRETARY HAS DIRECTED, ALTHOUGH PUBLIC DISCLOSURE

CANNOT BE PRECLUDED.

2. WE HAVE INFORMED THE SUBCOMMITTEE THAT THE REQUESTED INFORMATION IS BEING COLLECTED AND PREPARED FOR TURNOVER IN TWO WEEKS, I.E., OCTOBER 8. ACCORDINGLY, CORRECTIONS, UPDATING INFORMATION, COMMENTS AND EMBASSY CLEARANCE ON THE LATEST, PARTIALLY CLEARED, DRAFT OF THE HUMAN RIGHTS OBSERVANCE ON ZAIRE, TRANSMITTED BELOW, ARE NEEDED URGENTLY, BY COB WASHINGTON SEPTEMBER 30 LATEST, TO ALLOW TIME FOR COMPLETION OF THE CLEARANCE PROCESS, TYPING AND SUBMISSION TO CONGRESS BY THE DEADLINE INDICATED.

3. TEXT OF DRAFT HUMAN RIGHTS REPORT FOR ZAIRE FOLLOWS.
QUOTE:

4. POLITICAL SITUATION. ZAIRE'S ACHIEVEMENT OF INDEPENDENCE IN 1960 BEGAN A FIVE-YEAR PERIOD OF POLITICAL TURBULENCE. A BLOODLESS MILITARY COUP BROUGHT PRESIDENT MOBUTU TO POWER IN 1965. SECURITY WAS REESTABLISHED. CENTRAL AUTHORITY HAS BEEN PROGRESSIVELY INSTITUTIONALIZED AND CONCENTRATED INTO A STRONG, RESIDENTIAL TYPE OF GOVERNMENT.

THE POPULAR MOVEMENT FOR THE REVOLUTION, ZAIRE'S SINGLE POLITICAL PARTY, UNDER THE PRESIDENT'S LEADERSHIP, IS THE COUNTRY'S UMBRELLA PUBLIC INSTITUTION, EMBRACING THE GOVERNMENT, THE ADMINISTRATION, THE LEGISLATURE, THE JUDICIARY AND THE MILITARY. THE CONSTITUTION ALLOWS FOR NO OTHER POLITICAL ORGANIZATIONS. ALL ZAIRIANS ARE MEMBERS OF THE PARTY FROM BIRTH, AND THE PARTY'S YOUTH WING IS THE ONLY AUTHORIZED YOUTH GROUP. THE CHURCHES ARE INDEPENDENT FROM THE GOVERNMENT PARTY STRUCTURE.

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PRESIDENT MOBUTU WAS CONFIRMED IN OFFICE IN 1970 PLEBISCITE AND UNDER THE PRESENT CONSTITUTION IS NOT REQUIRED TO STAND FOR RE-ELECTION.

5. LEGAL SITUATION. ZAIRE HAS A WELL DEVELOPED JURIDICAL SYSTEM BASED ON MODERN LEGAL PRINCIPLES. THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IS THE BASIS

FOR MANY OF THE RIGHTS GUARANTEED UNDER TITLE II OF
THE 1967 ZAIRE CONSTITUTION, AS REVISED IN 1974.

THE COURT SYSTEM IS SOPHISTICATED. NON-POLITICAL
TRIALS ARE OPEN AND ORDERLY; AN ACCUSED HAS THE RIGHT
TO COUNSEL AND THREE-JUDGE PANELS MAKE EARNEST EFFORTS
TO PROVIDE JUSTICE. THE LAW REQUIRES THAT POLITICAL
TRIALS MUST BE HEARD BEFORE THE STATE SECURITY COURT
AND LEGAL PROVISION EXISTS FOR HOLDING SESSIONS IN
CAMERA SHOULD PUBLICITY BE CONSIDERED TO BE A DANGER
TO PUBLIC ORDER AND MORALITY.

THE CONSTITUTION PROVIDES FOR THE DECLARATION OF A
STATE OF EMERGENCY BY THE PRESIDENT IN WHICH HE IS
AUTHORIZED TO "TAKE WHATEVER MEASURES ARE REQUIRED BY
THE CIRCUMSTANCES." THERE EXISTS PRESENTLY, HOWEVER,
NO STATE OF EMERGENCY.

6. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.
A. INTEGRITY OF THE PERSON

ARTICLE 3: THE RIGHT TO LIFE, LIBERTY AND THE
SECURITY OF THE PERSON IS IMPERFECTLY
OBSERVED IN ZAIRE. THE SECRET POLICE
HAVE CONSIDERABLE FREEDOM OF ACTION.
GOVERNMENT POLICY IS TO CONTROL PUBLIC
POLITICAL EXPRESSION.

ARTICLE 5: ALLEGATIONS EXIST THAT TORTURE, CRUEL,
INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT ARE PRACTICED IN ZAIRE.
THE USE OR THREAT OF FORCE IN INTERROGATIO
OF SUSPECTED CRIMINALS AND POLITICAL
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DETAINEES MAY BE COMMON.

ARTICLE 8: THE CONSTITUTION DOES NOT PROVIDE ACCESS
TO LEGAL REMEDIES FOR POLITICAL DETAINEES.

ARTICLE 9: PERSONS ACCUSED OF ACTIVITY DIRECTED
AGAINST OR CALLING INTO QUESTION THE
AUTHORITY OF THE REGIME ARE SUBJECT
TO ARREST UNDER PROVISIONS OF CRIMINAL
LAW. THESE CASES ARE HEARD IN
ADMINISTRATIVE TRIBUNALS OUTSIDE THE
REGULAR COURT SYSTEM AND THE PROTECTION
AFFORDED BY THAT SYSTEM. PROLONGED
DETENTION MAY OCCUR.

IN CASES OF NON-POLITICAL CRIMES THE
PROCEDURES OF JUSTICE ARE MORE CLEARLY
DEFINED.

ARBITRARY AND ABUSIVE DETENTION WAS
ONE OF THE MAJOR GRIEVANCES VOICED
AT THE FIRST MEETING OF THE MPR PARTY
SENIOR LEADERSHIP SCHOOL IN NOVEMBER,
1974, ORGANIZED BY PRESIDENT MOBUTU
AS A FORM OF ELITE INDOCTRINATION AND

POLICY REVIEW.

ARTICLE 10: A PUBLIC HEARING BY AN INDEPENDENT
AND IMPARTIAL TRIBUNAL IS NOT PROVIDED
FOR IN ZAIRE FOR PERSONS ACCUSED OF
POLITICAL CRIMES.

ARTICLE 11: THE FAIRNESS OF TRIALS FOR PERSONS
ACCUSED OF POLITICAL CRIMES MAY BE
QUESTIONED.

B. OTHER IMPORTANT FREEDOMS

THERE IS NO SYSTEMATIC DISCRIMINATION BASED ON RELIGION,
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ETHNIC GROUP OR PLACE OF BIRTH. ADDITIONALLY, THE
GOVERNMENT HAS MADE EFFORTS TO COMBAT REGIONALISM IN
ADMINISTRATION BY SENDING CIVIL SERVANTS TO POSITIONS
IN REGIONS AWAY FROM THEIR HOME AREAS.EFFORTS HAVE ALSO
BEEN MADE TO FOSTER INTEGRATION OF PYGMIES INTO NATIONAL
LIFE. FREEDOM OF RELIGION IS NOT ABRIDGED. FREEDOM OF
EXPRESSION AND ASSOCIATION ARE LIMITED.

THE ONLY KNOWN LARGE-SCALE, SIGNIFICANT OFFICIAL
RESTRICTION OF FREEDOM OF MOVEMENT OR RESIDENCE WAS THE
FORCED REMOVAL FROM THE ANGOLA BROADER AREA IN 1974 OF ALL
PERSONS OF PORTUGUESE EXTRACTION, NONE OF WHOM WERE
ZAIRIAN CITIZENS. SECURITY CONSIDERATIONS WERE GIVEN
AS THE REASON FOR THIS ACTION. MORE RECENTLY, THE
GOVERNMENT HAS INSTITUTED A PASS SYSTEM WHEREBY RURAL
RESIDENTS MUST HAVE THE PERMISSION OF LOCAL AUTHORITIES
TO TRAVEL TO URBAN AREAS. IT REMAINS TO BE SEEN IF
THIS PROGRAM WILL BE CARRIED ON IN PRACTICE.

THERE WAS AN UNSUCCESSFUL OFFICIAL CAMPAIGN IN 1972 TO
PREVENT FURTHER MIGRATION FROM THE COUNTRYSIDE TO THE
CITIES BY A "PASS SYSTEM". MORE RECENTLY PRESIDENT

MOBUTU DESCRIBED SUCH MIGRANTS AS "DESERTERS". CURRENT GOVERNMENT POLICY CALLS FOR A CENSUS OF UNEMPLOYMENT SERVICE IN RURAL AREAS. THIS POLICY HAS NOT BEEN EFFECTIVELY CARRIED OUT.

ZAIRE OPTED FOR STATE OWNERSHIP OF THE MAJOR MEANS OF PRODUCTION AND DISTRIBUTION IN 1973, EXCEPT FOR FOREIGN OWNED ENTERPRISES PROTECTED BY THE INVESTMENT CODE. IN NOVEMBER 1975, A PARTIAL REVERSAL OF THIS TREND WAS ANNOUNCED. FORTH PERCENT EQUITY IN PREVIOUSLY NATIONALIZED ENTERPRISES IS BEING OFFERED TO THE FORMER OWNERS. MOBIL AND TEXACO, WHOSE ASSETS WERE NATIONALIZED, ARE CURRENTLY NEGOTIATING A SCHEME WHEREBY THEY WILL REGAIN SOME EQUITY IN THE PETROLEUM SECTOR.

7. OTHER HUMAN RIGHTS REPORTING. THERE HAVE BEEN NO RECENT REPORTS OF HUMAN RIGHTS IN ZAIRE. HOWEVER, THE CATHOLIC CHURCH HAS SPOKEN OUT AND CONTINUES TO SPEAK OUT ON IMPORTANT ISSUES. FOR EXAMPLE, THE ANNUAL CONFIDENTIAL

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LENTEN PASTORAL LETTER FOR 1976, WRITTEN BY THE ARCHBISHOP OF LUBUMBASHI, A ZAIRIAN NATIONAL, CONDEMNS THE PRESENT STATE OF AFFAIRS IN ZAIRE, WARNS OF POTENTIAL SOCIAL REVOLUTION AND CALLS FOR CHRISTIANS TO MAKE A RECOMMITMENT TO THE TEMPORAL APPLICATION OF THE VALUE OF THEIR FAITH.

AMNESTY INTERNATIONAL 1974-75 ANNUAL REPORT STATED THAT A GENERAL AMNESTY FOR ALL POLITICAL PRISONERS AND POLITICAL EXILES HAD BEEN DECLARED IN NOVEMBER, 1974.

FREEDOM HOUSE LISTS ZAIRE AS "NOT FREE." UNQUOTE. ROBINSON UNQTE: KISSINGER

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